

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ROBERTS,
Plaintiff,
v.
GAVIN NEWSOM, et al.,
Defendants.

Case No. 1:21-cv-00506-ADA-CDB (PC)

**ORDER GRANTING DEFENDANTS'
REQUEST TO EXTEND TIME WITHIN
WHICH TO FILE RESPONSIVE
PLEADING**

(Doc. 32)

Paul Roberts is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

I. RELEVANT PROCEDURAL BACKGROUND

Following screening, the Court ordered service of Plaintiff's first amended complaint on Defendants CIM Warden, Delgadillo, Farooq, Gilman, Lemus, Gonzales, Pilkerton and Torres. (Doc. 26.) Defendants waived personal service on August 28, 2023, and a responsive pleading was due to be filed no later than October 27, 2023. (Doc. 31.)

On October 26, 2023, counsel for Defendants moved for a 28-day extension of time within which to file a responsive pleading. (Doc. 32.)

II. DISCUSSION

Defendants request an extension of 28-days within which to file a responsive pleading. (Doc. 32 at 3.) Defense counsel declares he was assigned this matter on September 11, 2023. (*Id.* at 6, ¶ 2.) Counsel declares that due to the press of business, he has been unable to prepare, file,

1 and serve a responsive pleading. (*Id.*, ¶ 3 [detailing multiple assignments and related filings].)
2 Defense counsel filed the application ex parte because it is difficult to contact Plaintiff to
3 coordinate a stipulation. (*Id.*, ¶ 4.) Counsel has not sought a previous extension of the filing
4 deadline and does not believe Plaintiff would be prejudiced by an extension of time. (*Id.*, ¶¶ 4-5.)

5 **III. CONCLUSION AND ORDER**

6 Accordingly, and for good cause shown, **IT IS HEREBY ORDERED** that:

- 7 1. Defendants' request for an extension of time within which to file a responsive
8 pleading is **GRANTED**; and
9 2. Defendants **SHALL** file a responsive pleading **no later than November 24, 2023**.

10 IT IS SO ORDERED.

11 Dated: **November 2, 2023**

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UNITED STATES MAGISTRATE JUDGE